HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 21426 of 2006

DATED: 16-10-2006

Between:

Kondapaka Lakshminarasimha Chary

…Petitioner

and

The Laxminarasimha Swamy Devalayam,
Devunipally (v), Peddapalli (M),
Karimnagar District and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 21426 of 2006

ORAL ORDER:

The writ petition is misconceived.

The petitioner has been issued with a notice dated 28-9-2006 informing him that he is in illegal and unauthorized occupation of agricultural land of an extent of Ac.8-20 guntas in Survey No.283 of Devunipalli Village, Peddapalli Mandal, Karimnagar District, which is the endowments land. The notice further states that the petitioner should vacate the endowments land within the stipulated time and if not so vacated, further action would be initiated against him under the provisions of Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

The petitioner asserts that he is the owner and in lawful possession of the land in question and pattadar pass books have also been issued to him. Pattadar pass books may be one piece of evidence, but not conclusively so. It is open to the petitioner to urge all his defences as and when proceedings are initiated against him for declaring him as an encroacher and seeking his eviction in a proceeding initiated under Section 83 of the Act. The impugned notice *per se* does not found a legitimate cause of action for interference under Article 226 of the Constitution of India.

The writ petition is premature and the grievance of the petitioner is moot, for the aforesaid reasons.

No merits in the writ petition. The writ petition is accordingly dismissed at the admission stage.

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GODA RAGHURAM, J

16-10-2006
GRR